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Attn: Attorneys for DIRECTV, LLC and  
AT&T Services, Inc.

*(Additional counsel information omitted)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

# ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

DIRECTV, LLC; AT&T, INC.; AT&T  
SERVICES, INC.; AND AT&T  
COMMUNICATIONS, LLC

## Defendants.

Lead Case No. 2:23-cv-01043-JWH-KES

Consolidated with Case Nos.:  
2:23-CV-01047-JWH-KES  
2:23-CV-01048-JWH-KES  
2:23-CV-05253-JWH-KES

**DECLARATION OF DAVID S. FRIST  
IN SUPPORT OF DIRECTV  
DEFENDANTS' REPLY ISO RULE  
12(b)(6) MOTION TO DISMISS UNDER  
35 U.S.C. § 101**

Date: January 16, 2024  
Time: 10:00AM  
Courtroom: 9D

I, David S. Frist, hereby declare and state as follows:

1. I am a partner of Alston & Bird LLP, and I represent the Defendants DIRECTV, LLC and AT&T Services, Inc. in this matter. I am submitting this Declaration in connection with Defendants' Reply in Support of their 12(b)(6) Motion to Dismiss Under 35 U.S.C. § 101. I have personal knowledge of the facts set forth herein and if called upon to do so, could testify competently thereto.

2. Attached as Exhibit 1 hereto is a true and accurate copy of U.S. Patent No. 6,438,174.

3. Attached as Exhibit 2 hereto is a true and accurate copy of the August 3, 2010 Non-final Rejection of U.S. Patent Application No. 11/292,939, which ultimately issued as U.S. Patent No. 8,085,802.

4. Attached as Exhibit 3 hereto is a true and accurate copy of the November 2, 2010 Amendment to the claims of U.S. Patent Application No. 11/292,939 and accompanying Applicant Remarks.

5. Attached as Exhibit 4 hereto is a true and accurate copy of the June 25, 2013 Information Disclosure Statement filed in U.S. Patent Application No. 11/241,748, which issued as U.S. Patent No. 8,621,539.

6. Attached as Exhibit 5 hereto is a true and accurate copy of U.S. Patent Publication No. 2009/0217325.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief.

Executed this 2nd day of January, 2024 in Atlanta, Georgia.

/s/ David S. Frist  
David S. Frist